



City of NORFOLK

C: Dir., Department of Utilities

To the Honorable Council
City of Norfolk, Virginia

March 10, 2015

From: Eric Tucker, Assistant Director of Utilities

Subject: Temporary Construction
Easement from Floyd M. Martin, Jr.

Reviewed:

Ronald H. Williams, Jr., Deputy City
Manager

Ward/Superward: N/A

Approved:

Marcus D. Jones, City Manager

Item Number:

PH-2C

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk Department of Utilities
Easement Location: 3887 Bruce Road, Chesapeake, Virginia

III. **Description**

This agenda item is to adopt an Ordinance approving the acquisition of a temporary construction easement through either purchase agreement or condemnation at 3887 Bruce Road in the City of Chesapeake, Virginia.

IV. **Analysis**

The 20-foot temporary construction easement will allow the City to install and maintain a new 36" raw water main. The existing 36" water main in this area has reached the end of its useful life and two large emergency repairs have been made in the past year. The City will be relocating a portion of the existing water main from developed residential property to a nearby existing street. Construction of the new water line is scheduled to begin in the spring of 2015.

V. **Financial Impact**

The total cost to the City for the easement is \$2,500.

VI. **Environmental**

The City is acquiring all necessary approvals from the U.S. Army Corps of Engineers and the Cities of Chesapeake and Portsmouth. The new water main will be installed by horizontal directional drill, which will minimize impacts to the surrounding properties.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process. Meetings have been held with the affected property owners and City officials from the Cities of Chesapeake and Portsmouth.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter has been coordinated with the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance

Form and Correctness Approved:

By *John Neely*
Office of the City Attorney

Contents Approved:

By *Kim Tucker*
DEPT.

NORFOLK, VIRGINIA

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

\$ 2,500.00

Ann M. Kelly
Director of Finance4000-33-357-5501
Account (FY 07)
2/15/15
Date**ORDINANCE No.**

AN ORDINANCE FINDING A PUBLIC NECESSITY FOR THE ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT FOR THE PURPOSE OF CONSTRUCTING CERTAIN FACILITIES RELATED TO THE CITY'S WATER SUPPLY SYSTEMS, SAID EASEMENT TO EXTEND ACROSS PROPERTY LOCATED AT 3887 BRUCE ROAD IN THE CITY OF CHESAPEAKE, VIRGINIA; AUTHORIZING THE ACQUISITION OF THE EASEMENT BY EITHER PURCHASE AGREEMENT OR CONDEMNATION; AND ACKNOWLEDGING THE EXPENDITURE OF THE SUM OF \$2,500.00 TO ACQUIRE SUCH.

- - -

WHEREAS, the City of Norfolk is empowered by the provisions of Virginia Code Sections 15.2-1901, 15.2-1901.1 and 15.2-2109 and by Norfolk City Charter Section 2(5) to acquire by eminent domain any easement across private property for public uses, including a certain portion of the property located at 3887 Bruce Road in the City of Chesapeake, Virginia, being more specifically described hereinafter in Section 2;

WHEREAS, it is the judgment of the City Council of the City of Norfolk that a temporary construction easement across the portion of property described hereinafter in Section 2 is necessary for the purpose of constructing a water main and appurtenant facilities which are needed by the City of Norfolk as part of its

water supply system;

WHEREAS, available property records indicate that the person having an ownership or other possessory interest in the property to be burdened by the easement is, at the time of the adoption of this Ordinance, Floyd M. Martin, Jr.; and

WHEREAS, based on information provided in the report of a professional appraiser licensed in the Commonwealth of Virginia, the total estimated funds necessary to compensate the owner thereof for such easement are not more than \$2,500.00; wherefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That, pursuant to the provisions of Virginia Code Section 15.2-1901, 15.2-1901.1 and 15.2-2109 and Norfolk City Charter Section 2(5), the Council finds that acquisition of a temporary construction easement located on property as hereinafter described is necessary for the purpose of constructing a certain water main and appurtenant facilities that are part of the City's water supply systems.

Section 2:- That the City Manager and City Attorney be, and hereby are, authorized and directed to take such action as may be necessary to acquire the temporary easement including, if necessary, the institution of condemnation proceedings and to arrange for payment of compensation to the owner or owners of the property across which the easement is situate, as well as any other persons having an interest in such property, said easement being specifically set forth and described as follows:

All that certain lot, piece or parcel of land situate, lying and being in the City of Chesapeake, Virginia to be used as a temporary construction easement for a water main and appurtenant facilities being a portion of the property of Floyd M. Martin, Jr. as shown on the plat entitled, "Project Parcel 002 Plat

Showing 20' Temporary Construction Easement to be acquired from Floyd M. Martin, Jr. by City of Norfolk," dated July 6, 2012 and revised November 18, 2013 and December 3, 2013, prepared by Rouse-Sirine Associates, Ltd., and attached hereto as "Exhibit A," said portion being more particularly described as follows:

BEGINNING at a point on the southern line of Bruce Road (Variable Width R/W) that is the northwest corner of Parcel B, now or formerly Mariana C. Sumner, Trustee of the Sumner Family Trust (M.B. 60, P. 69) and the northeast corner of Parcel A, property of the Floyd M. Martin, Jr. (M.B. 61, P. 72-72A,) said point lying in the center of a 20' private road (M.B. 29, P. 43); thence, from the point of beginning thus described, N 59°-13'-24" W, 624.02 feet, more or less, to a point on the eastern line of a cemetery; thence, the following courses and distances along the line of the cemetery: N 34°-16'-36" E, 2.51 feet; N 55°-43'-24" W, 25.00 feet and S 34°-16'-36" W, 4.04 feet to a point; thence, N 59°-13'-24" W, 227.09 feet, more or less, to the eastern line of Parcel D-1A, now or formerly James P. Lilley and Doris L. Lilley revocable living trust; thence, along the line of now or formerly James P. Lilley and Doris L. Lilley revocable living trust the following two courses and distances: N 05°-44'-52" E, 22.07 feet and S 59°-13'-24" E, 22.91 feet to a point on the southern line of Bruce Road (Variable Width R/W); thence, S 59°-13'-24" E, 855.79 feet, more or less, along the southern line of Bruce Road (Variable Width R/W) to a point; thence, S 12°-00'-36" E, 21.12 feet to a point on the southern line of Bruce Road (Variable Width R/W) being said point of beginning.

Said easement, being the temporary construction easement to be acquired or condemned by the Ordinance, contains 17,467 square feet or 0.401 acre, more or less, of land.

Section 3:- That this ordinance shall be in effect
from the date of its adoption.

ATTACHMENT:

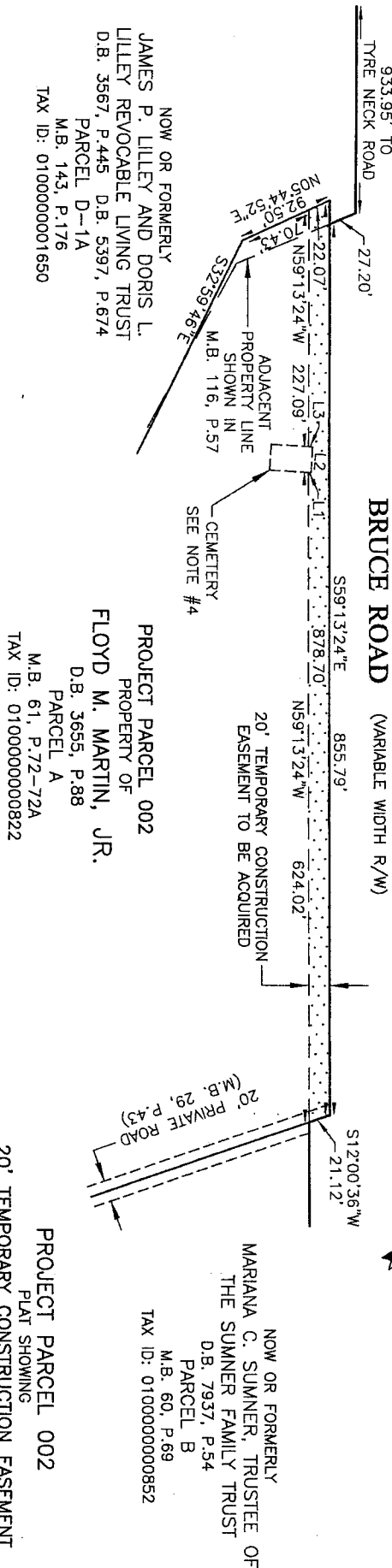
Exhibit A (1 page)

AREA PARCEL A:

20' TEMPORARY CONSTRUCTION
EASEMENT AREA = 17,467 S.F./0.401 ACRES

20' TEMPORARY CONSTRUCTION
EASEMENT AREA TO BE ACQUIRED

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N34°16'36"E	2.51'
L2	N55°43'24"W	25.00'
L3	S34°16'36"W	4.04'



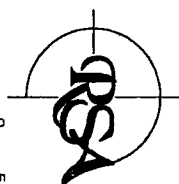
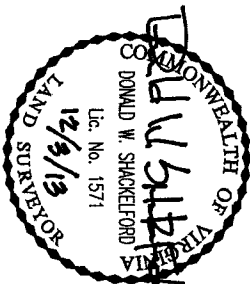
NOW OR FORMERLY
JAMES P. LILLEY AND DORIS L.
LILLEY REVOCABLE LIVING TRUST
D.B. 3567, P.445 D.B. 5397, P.674
PARCEL D-1A
M.B. 143, P.176
TAX ID: 0100000001650

PROJECT PARCEL 002
PROPERTY OF
FLOYD M. MARTIN, JR.
D.B. 3655, P.88
PARCEL A
M.B. 61, P.72-72A
TAX ID: 0100000000822

NOW OR FORMERLY
MARIANA C. SUMNER, TRUSTEE OF
THE SUMNER FAMILY TRUST
D.B. 7937, P.54
PARCEL B
M.B. 60, P.69
TAX ID: 0100000000852

NOTES:

1. MERIDIAN SOURCE IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH ZONE, NAD83(1994 HARN). COORDINATE VALUES ARE EXPRESSED IN U.S. SURVEY FEET.
2. THIS PLAT IS FOR EASEMENT ACQUISITION PURPOSES ONLY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.
3. THIS PLAT WAS PREPARED UTILIZING A TITLE REPORT PREPARED BY PEMBROKE TITLE, DATED OCTOBER 17, 2013.
4. APPROXIMATE CEMETERY LOCATION TAKEN FROM LOCATION SHOWN IN MAP BOOK 61 AT PAGE 72. NO VISIBLE EVIDENCE OF ACTUAL CEMETERY SIZE OR LOCATION FOUND, STATUS UNDETERMINED.



ROUSE-STRINE ASSOCIATES, LTD.
LAND SURVEYORS & MAPPING CONSULTANTS
333 OFFICE SQUARE LANE
VIRGINIA BEACH, VIRGINIA 23462
TEL: (757)490-2300; FAX: (757)499-9136
www.rouse-strine.com

CITY OF NORFOLK
BY
WESTERN BRANCH BOROUGH - CHESAPEAKE, VIRGINIA
SCALE: 1"=100
JULY 6, 2012
REVISED: NOVEMBER 18, 2013
REVISED: DECEMBER 3, 2013

PROJECT PARCEL 002
PLAT SHOWING
20' TEMPORARY CONSTRUCTION EASEMENT
TO BE ACQUIRED FROM
FLOYD M. MARTIN, JR.

